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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fourth periodic report of Liechtenstein

Addendum

Information provided by Liechtenstein in follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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The Committee on the Elimination of Discrimination against Women considered the fourth periodic report of Liechtenstein on 20 January 2011. In his concluding observations from 8 February 2013 the Committee requested Liechtenstein to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 25 and 29. As a matter of principle, it is of special importance to the Government to advance the de facto equality of women and men in society and to eliminate discrimination. Over the past few years, significant progress has been made in this regard. However, the Government is aware that additional measures are necessary to achieve the goal of de facto equality. In the following report, Liechtenstein will provide information on the measures implemented since 2011 in regard to the recommendations contained in paragraphs 25 and 29.

1. Comments on the recommendations contained in paragraph 25 on considering sexual or gender-based violence in the context of asylum applications

The Committee is concerned about reports that the State party regularly fails to identify victims of sexual or other forms of gender-based violence during the asylum procedure because asylum claims are routinely rejected on formal grounds or for lack of credibility of an applicant's description of her travel route. (Paragraph 24)

The Committee recommends that the State party:

(a) Apply a standard procedure for identifying victims of sexual or gender-based violence when considering the admissibility of asylum applications on formal grounds or the return of applicants;

(b) Ensure that international protection needs are determined comprehensively, including by recognizing refugee claims on the basis of sexual or gender-based violence and by taking into account the factual situation of asylum-seeking women and girls in their countries of origin; and

(c) Ensure a gender-sensitive approach throughout the refugee status determination procedure by providing special rights such as counselling services for female asylum seekers, in line with Article 23, paragraph 6, of the State party's Refugee Act. (Paragraph 25)

Gender-specific grounds for asylum are explicitly set out as a basis for granting refugee status in the Liechtenstein Asylum Act, which entered into force on 1 June 2012 (article 2, paragraph 1(a) and paragraph 2)[1] — as they already were included in the Refugee Act, the predecessor law to the Asylum Act. Liechtenstein is fully aware of its responsibility in this regard — especially as a member of the

[1] 1) For the purposes of this Act, the following terms shall have the following meanings:
(a) "refugees": foreign persons who:
1. owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or gender or political opinion, are outside the country of their nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country; or...
2) Fear of being persecuted as referred to in paragraph 1(a) shall be considered well-founded especially when a threat to life, physical integrity or freedom can be claimed as well as measures that exert intolerable psychological pressure; motives for seeking asylum specific to women must be taken into account. Well-founded fear of being prosecuted may also arise from events occurring after the asylum seeker has left his or her home country or country of origin (objective motives for seeking asylum sur place).

Schengen/Dublin area — and deals with the issue of gender-specific violence with the necessary diligence. The Immigration and Passport Office has staff members working in all-women teams who are trained and sensitized to take on such cases at the first sign of gender-specific violence. Female asylum seekers are given the opportunity already during their questioning upon entering the country to indicate any such grounds for seeking asylum.

The provisions of the Dublin II Regulation and in future the Dublin III Regulation serve as the basis for deciding whether Liechtenstein declares itself competent for carrying out an asylum procedure. Moreover, Liechtenstein considers an asylum application to be impermissible pursuant to article 20, paragraph 1(d) of the Asylum Act if the asylum seeker has already gone through an asylum procedure in Liechtenstein or has withdrawn the asylum application, or if the application was dismissed due to extended disappearance of the person or if the person returned to his or her home country or country of origin during the ongoing procedure. If another application is submitted after a return to the home country or country of origin, however, it is always reviewed on a case-by-case basis whether any new grounds for asylum may have arisen.

It goes without saying that in cases of gender-specific violence, Liechtenstein follows the non-refoulement requirement as set out in article 3 of the Asylum Act as well. This includes consideration of the situation in the home country or country of origin, which is of course also taken into account appropriately in every asylum decision.

During the procedure, asylum seekers also receive medical care for any physical consequences of gender-specific violence as well as access to professional psychological or psychiatric care; in the case of minors, this care is provided by specialists of the Children and Youth Division of the Office of Social Affairs and/or generally by practicing female psychiatrists or psychologists from Liechtenstein and the region. All asylum seekers are also provided with free legal and opportunity counselling at all levels of the asylum procedure, which gives another opportunity to point out additional counselling options to persons affected by gender-specific violence. The Liechtenstein Refugee Service, which is mandated to take care of asylum seekers, also provides counselling in this regard.

2. Comments on the recommendations contained in paragraph 29 on the representation of women in political and public life

The Committee remains concerned that women continue to be significantly underrepresented in Parliament, municipal councils, government, national commissions and advisory councils and senior positions in the public administration, including in the diplomatic service. It is also concerned that there are currently no women mayors and that there is no special committee of Parliament dealing with gender equality. It takes note of the State party's explanation that women are often too burdened with professional and family duties to take part in political life. (Paragraph 28)

The Committee recommends that the State party:

(a) Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, such as statutory quota, a gender parity system for nominations for Government

bodies, and conditioning the financing of political parties on equal representation of women in their internal bodies and on candidate lists, to increase the representation of women in decision-making positions in elected and appointed political bodies; and

(b) Provide training on gender equality to civil servants and politicians, especially men, with a view to enhancing the understanding that full and equal participation of women and men in political and public life is a requirement for the full implementation of the Convention, and thus creating a more favourable environment for women's participation in political and public life. (Paragraph 29)

(a) Share of women in public functions

Women continue to be underrepresented in politics and high-level public functions in Liechtenstein. The political parties in Liechtenstein undertake intensive efforts to motivate women to run for public office in upcoming elections. Frequently, however, these efforts are not as successful as desired.

In February 2013, parliamentary elections were held in Liechtenstein. The new government was appointed in March 2013. During the current term of office (2013-2017), two of the five Ministers are women. They are responsible for the Ministry for Foreign Affairs, Education and Culture and for the Ministry for Infrastructure, Environment and Sport. In the current term of Parliament (2013-2017), women hold 5 of 25 seats.

The 11 Liechtenstein municipalities are administered by a Municipal Council elected every four years under the leadership of a directly elected Mayor. In the current term (2011-2015), all mayors are men. 29 women (27%) and 77 men (73%) are represented in the municipal councils. In the 2011 municipal council elections, the election chances of female candidates were 52% for the municipal councils.

Table 4
Share of women in the Government, Parliament, and the 11 municipal councils

Body	*Members*	*1985*	*1995*	*2008*	*2009*	*2013*
Government	5	0%	40%	20%	40%	40%
Parliament	25	0%	8%	24%	24%	20%
Municipal councils	106	3%	15%	27%	27%	27%

Source: Websites of the municipalities and Government Chancellery.

Women are also a minority in the over 66 commissions and advisory councils. 8 commissions are currently chaired by women. In 2011, 87 women (21.4%) and 320 men (78.6%) were members of the national commissions. From 1998 to 2011, the share of women increased by 4.4%.

Of the 24 foundations and establishments under public law, five are directed by women.

In 2012, 103 men (75.7%) and 33 women (24.3%) were members of boards of trustees of foundations. This represents an increase of 4.5% since 1998.

In courts of public law, the share of women increased between 1998 and 2012. In 1998, only men — a total of 12 — were members of these courts. In 2012, a total of 21 persons were members of the courts, 18 (86%) of whom were men and 3 (14%) of whom were women.

The share of women in civil and criminal courts increased by 11.3% from 1998 to 2012. In 1998, 33 men (78.6%) as compared to 9 women (21.4%) served in the civil and criminal courts; in 2012, 72 (67.3%) out of a total of 107 members were men and 35 (32.7%) were women.

In 2012, four men (57%) and three women (43%) worked as prosecutors for the Office of the Public Prosecutor.

At the municipal level, an average of 26% of the commission members were women in 2006. In the current term 2011-2015 the share of women was 31%.

One third to one half of internal political party functionaries are women. In 1982, party-internal women's organizations were founded in the two large people's parties ("Expert Group on Women in the Patriotic Union", "Women in the FBP"), with the goal of enhancing the interest of women in politics and serving an educational function. They aim to raise the awareness of the public, to represent women's interests in politics, and not least of all to prepare women within their respective party for political offices and functions. The share of women in the leadership of the Free List, founded in 1985, is 60%, the highest of the political parties.

Table 5
Share of women in political party functions (2013)

Function	*Men*	*Women*	*Share of women*
Party leadership of all three parties	18	8	31%
VU party leadership	6	1	14%
FBP party leadership	10	4	29%
FL party leadership	2	3	60%

Source: www.fbp.li; www.vu-online.li; www.freieliste.li.

(b) Share of women in the National Public Administration

In the National Public Administration the share of women in leading positions is 14%. 88% of managers work full-time and 12% part-time.

Liechtenstein maintains 8 diplomatic missions abroad and has appointed 8 ambassadors for that purpose. Three are women, corresponding to a share of 38%.

(c) Measures to promote women in public functions

As mentioned above, women continue to be underrepresented in politics and high-level public functions. The Liechtenstein Government is aware of this and has again implemented various measures over the past two years:

Study "Non-Candidacies in the 2011 Municipal Elections"

After the municipal elections in 2011, the Gender Equality Commission commissioned a study on "Non-Candidacies in the 2011 Municipal Elections".

Specifically, the question was examined why the respondents had decided not to run for office. The study provided indications of what the parties might take into account in future when recruiting candidates. The results were presented to the parties, and possible measures were discussed.

Report on gender quotas

In October 2012, the Gender Equality Commission prepared a report on the introduction of gender quotas on the party lists for municipal and national elections. The Government took note of the Commission's report on 18 December 2012. In May 2013, the Commission discussed the possible introduction of list quotas and their advantages and disadvantages with the responsible Minister of the Government that was newly appointed that spring.

2013 parliamentary elections

In the run-up to parliamentary and municipal council elections, the Gender Equality Commission supports women by providing a platform (www.frauenwahl.li) on which all female candidates can present themselves. Exchanges with the female candidates are also organized. At these meetings, information is provided to the candidates on opportunities offered by the Commission and the Office of Equal Opportunity, such as the politics course, the mentoring programme, etc.

Post-election study by the Liechtenstein Institute on the 2013 parliamentary elections

As mandated by the Gender Equality Commission and the Office of Equal Opportunity, the Liechtenstein Institute prepared a study on "The 2013 Parliamentary Elections — A Focus on Women". The report illuminates the results achieved by women in the parliamentary elections from 1986 to 2013, the impact of political mandates on election success, and support for women from the perspective of voters. The report formulated possible causes of the underrepresentation of women and strategies to improve their election chances. The report has been presented to the public in October 2013.

Post-election discussion with the parliamentary candidates

In March 2013, the Gender Equality Commission met with the female parliamentary candidates for a post-election meeting, which included a non-partisan exchange on the experiences made from the perspective of women and an initial discussion of necessary measures. The non-partisan meetings hosted by the Commission before and after the elections are deemed helpful and positive by the candidates.

Politics Course

To achieve a balanced representation of women and men in political bodies, a politics course for women has been offered for 10 years now. The aim of the politics course is to empower and encourage women to contribute their abilities in political bodies and in public. More than 100 women from Liechtenstein have already attended this cross-border course.

Talks with Members of Parliament

Since March 2007, the Office of Equal Opportunity organizes two rounds of talks a year with female Members of Parliament on a topic of current interest; these talks are also open to the public. The events in the last two years dealt with "Diversity through quotas" (November 2011), "Inheritance law" (April 2012), and "The law on names" (January 2013). In October 2013, an event on "Custody of children" has been held.

(d) Measures to sensitize public officials

Continuing education offered by the National Public Administration

Role models at work, the advancement of women, and the compatibility of family and work are topics that have been covered by continuing education within the National Public Administration in recent years. In the 2013/14 continuing education programme, for instance, the courses "Women develop their leadership talent" and "Engaged in work and family" (target group: fathers and mothers) were offered. In February 2013, a course on Liechtenstein foreign policy was also offered, discussing human rights including women's rights and drawing attention to the relevant human rights conventions and their implementation in Liechtenstein. The courses offered by the National Public Administration are open to all State employees and free of charge.